

FARMINGTON CITY PLANNING COMMISSION

Thursday, April 14, 2005

PLANNING COMMISSION REGULAR SESSION

Present: Chairman Cory Ritz, Commission Members Keith Klundt, Annie Hedberg, John Montgomery, Kevin Poff, and Jim Talbot, City Planner David Petersen, and Deputy City Recorder Jeane Chipman. Commission Member Cindy Roybal was excused.

Chairman Ritz called the meeting to order at 7:00 P.M. following a field trip to the Popp property located at the southwest corner of 200 East and 200 South and a study session at City Hall. **Kevin Poff** offered the invocation.

APPROVAL OF MINUTES

John Montgomery moved that the Planning Commission approve the minutes of the March 24, 2005, Planning Commission Meeting with corrections as noted. **Keith Klundt** seconded the motion. Planning Commission members voted unanimously in favor. **Jim Talbot** abstained due to his absence during the March 24th meeting.

AMERICA WEST DEVELOPMENT REQUEST FOR A RECOMMENDATION FOR FINAL PLAT APPROVAL FOR THE SILVERWOOD ESTATES SUBDIVISION CONTAINING 20 LOTS ON 7.359 ACRES LOCATED AT APPROXIMATELY 1800 WEST 1400 NORTH IN AN LR ZONE (S-5-04) (Agenda Item #2)

Background Information

The developer is planning to improve his frontage along the east frontage road to match improvements in Kaysville, including curb, gutter, and sidewalk. It has been suggested that even though sidewalk exists on the east side of the frontage road in Kaysville, that the City waive the sidewalk requirement in front of this property due to the trail on the west side of the right-of-way. However, if this is done and a future I-15 widening displaces the trail, then no facilities shall exist to accommodate pedestrian traffic.

END OF PACKET MATERIAL.

Dave Petersen introduce the agenda item. He reviewed the background information.

The Commission discussed the issues. They felt it would be well to have the sidewalk improvements made. The item had been discussed in detail in previous meetings.

Motion

Jim Talbot moved that the Planning Commission recommend that the City Council grant final plat approval for the Silverwood Estates Subdivision containing 20 lots on 7.359 acres located at approximately 1800 West 1400 North in an LR zone subject to all applicable Farmington City development standards and ordinances and the following:

1. The developer shall comply with all conditions of preliminary plat approval.
2. The developer must receive approval for the improvement drawings, including a grading and drainage plan containing best management practices as referenced in Farmington City Storm Water Management Plan, from all the reviewing agencies including, but not limited to, the City Engineer, Farmington City Public Works Department, Fire Department, Central Davis Sewer District, FAPID and Davis County Flood Control.
3. The developer must receive a flood control permit from Davis County.
4. A conservation easement acceptable to the City must be placed over the open space identified on the final plat concurrently with recordation of the final plat.
5. The developer shall prepare a Storm Water Pollution Prevention Plan (SWPPP) acceptable to the City Storm Water Official.
6. Final plat shall be adjusted as follows:
 - a) Remove the building envelopes illustrated on the plat and the note referencing the same.
 - b) The note regarding setbacks is incorrect. Remove the note from the plat.
 - c) Place a note on the plat indicating a soils report has been submitted to the City.
 - d) Identify the width of the east frontage road on the plat.
7. The developer shall enter into an agreement with the City regarding the long-term maintenance and upkeep of the detention basin area. This may result in a storm drain easement conveyed by the developer to the City.

8. The City shall enter into a pioneering agreement with the developer regarding the extension of the water line along the east frontage road.

John Montgomery seconded the motion, which passed by unanimous vote.

Findings

1. The Planning Commission had reviewed the agenda item in detail during previous meetings.
2. The application complied with City development standards.
3. The application was consistent with the General Plan for the area.
4. The lots were the same size as lots in surrounding subdivisions.
5. The developer had been cooperative with City officials in providing for sidewalk and sewer improvements.

PUBLIC HEARING: EV DEVELOPMENT, HARLEY AND JEAN EVANS REQUEST FOR A RECOMMENDATION TO AMEND THE CORNERSTONE SUBDIVISION PLAT BY VACATING 3 LOTS AND A STREET RIGHT-OF-WAY (THE NORTH END OF 700 WEST STREET NORTH OF EMERALD OAKS DRIVE) AND THEREAFTER CREATING 4 LOTS IN THE PLACE THEREOF (S-20-04) (Agenda Item #3)

Background Information:

The Planning Commission reviewed a similar request from E.V. Development on October 26, 2004. However, the earlier request was larger in scope in that the applicant was proposing that the City vacate five lots and thereafter create eight lots.

One of the proposed lots, Lot 15-B, is less than 20,000 square feet in size. This lot size violates City ordinances unless the subdivision is considered a conservation subdivision. If the subdivision is a conservation subdivision, the City must approve one of the lots as a conservancy lot. Nevertheless, in this case the size of the conservancy lot is a discretionary matter. (Note: It is possible for the applicant to develop four lots exceeding the minimum lot size of 20,000 square feet within the area proposed. However, due to the location of a well established by the property owner years ago, the applicant asserts that the lot sizes of Lot 15-A and Lot 14 are “fixed”.)

END OF PACKET MATERIAL.

Mr. Petersen explained the request. The issue was coming back to the Planning Commission in order for the developer to go before the City Council. The request had been changed from previous applications. An existing well impacted the position of buildable footprints and thus the possible location of lot boundary lines. Mr. Petersen stated there was a possibility of another access going to the east from the subdivision.

Public Hearing

Chairman Ritz opened the meeting to a public hearing and invited the applicant to address the Commission.

Harley Evans (7613 Springwood Drive) responded to the City Planner's comment that there may be a possibility of a road going out of the subdivision toward the east. Mr. Evans felt having the eastern access was not a possibility because doing so would reduce the size of the lots too much.

Public Hearing Closed

With no further comments, **Chairman Ritz** closed the public hearing. The Commission members discussed the issues, including the following points:

- Mr. Montgomery questioned the motivation for the application. In response to questions, Mr. Evans stated that the reason for his application was to conserve the existing well. He also wanted to eliminate the access easement to the north, which would never be used as a road. Mr. Evans also wanted to make use of the existing utility connections.
- Approval of the request would profit the developer in that he would have more lots to sell.
- Previous public hearings indicated current residents do not want to have the lots made smaller. Residents felt they were having their property value decreased.
- If the Planning Commission renewed the original motion, the issue would move on to the City Council. The original action was to vacate the street and provide for only 3 extra lots.
- Mr. Talbot recommended that lot 15B be increased in size.

- In previous discussions, the Planning Commission had provided for a trail or pedestrian access going east from the cul-de-sac.
- Mr. Petersen stated that the request included making conservation lots which could not be subdivided in the future.
- Mr. Poff stated he did not want to create lots that would require variances to become buildable.

Motion

Kevin Poff moved that the Planning Commission renew the motion previously made by them on November 11, 2004, which stated that the Planning Commission recommended that the City Council amend the Cornerstone Subdivision plat by vacating the right-of-way between lots 15 and 16 subject to the applicant conveying to the City a 15-foot wide public pedestrian access easement through the easterly end of Emerald Oaks Drive. The Planning Commission further recommended that the City Council deny the request to vacate 3 lots and create 4 lots, increasing the number of lots in the Corner stone Subdivision by 1 additional lot.

John Montgomery seconded the motion, which passed by a 5 to 1 vote. **Jim Talbot** opposed the motion, stating he felt the existing well impacted the subdivision building pads and there may have been alternative actions, including boundary line adjustments or capping the well.

Findings

1. The motion complied with City ordinance requirements.
2. The motion resolved the northern access street vacation.
3. The motion prohibited additional lot creation on a lengthy dead end street.

PUBLIC HEARING: KIM BROWN REQUEST FOR APPROVAL FOR A LOT SPLIT (TWO LOT SUBDIVISION) BY METES AND BOUNDS LOCATED AT APPROXIMATELY 250 EAST 100 NORTH IN AN OTR ZONE (S-6-05) (Agenda Item #4)

Background Information:

The applicant is proposing to create parcels B and C as shown on the attached metes and bounds survey. Parcel A and D are being reconfigured via boundary adjustments. Public improvements already exist in the 100 North Street right-of-way.

END OF PACKET MATERIAL.

Mr. Petersen reviewed the issues of the agenda item. All utilities had been installed for each proposed lot.

Public Hearing

Chairman Ritz opened the meeting to a public hearing and invited the applicant to address the Commission.

Kim Brown (applicant) explained the request. The family wished to sell the older existing home and divide the property into 3 large parcels for family members.

Mr. Petersen stated that the lot boundary lines would need to be relocated in order to comply with set back requirements for existing buildings.

John Bradshaw (259 East 100 North) expressed his feelings that the application should be approved. He felt the Brown family would do quality work and that it would be a benefit to the neighborhood.

Public Hearing Closed

With no further comments, **Chairman Ritz** closed the public hearing. The Commission members briefly discussed the item, stating that the only unresolved issue seemed to be the lot line locations which needed to be made in order to provide for proper set backs.

Motion

Kevin Poff moved that the Planning Commission approve the lot split as requested by metes and bounds located at approximately 250 East 100 North on the condition that the lot line placement provide for proper set backs. **Annie Hedberg** seconded the motion, which passed by unanimous vote.

Findings

1. The application meets City ordinance requirements.
2. The application is in keeping with the neighborhood.
3. The issues had been discussed in detail in previous Planning Commission meetings.

**PUBLIC HEARING: RUSSELL CHRISTENSEN REQUEST FOR
RECOMMENDATION TO REZONE 5,140 SQUARE FEET OF PROPERTY LOCATED
AT 70 SOUTH 200 EAST FROM OTR TO BR (Z-3-05) (Agenda Item #5)**

Background Information

The Planning Commission previously approved a Conditional Use Permit to allow a home occupation (office in a detached building) for the subject property on June 12, 1997.

END OF PACKET MATERIAL.

Mr. Petersen stated that the applicant was unable to attend the meeting and had requested the item be tabled to a future meeting. His wife was having a baby.

Public Hearing

Chairman Ritz opened the meeting to a public hearing and invited any one present to address the Planning Commission. He did so to accommodate anyone who had attended the meeting to give input.

Public Hearing Closed

With no forthcoming comments, **Chairman Ritz** closed the public hearing.

Motion

Annie Hedberg moved that the Planning Commission table consideration of the rezone request for property located at 70 South 200 East from OTR to BR. **Kevin Poff** seconded the motion, which passed by unanimous vote.

**DAVIS COUNTY REQUEST FOR RECONSIDERATION OF CERTAIN CONDITIONS
OF APPROVAL REGARDING THE PLANNING COMMISSION'S DECISION TO
GRANT CONDITIONAL USE AND SITE PLAN APPROVAL TO EXPAND THE
COUNTY JAIL LOCATED AT 800 WEST STATE IN A BP ZONE (C-2-02) (Agenda Item
#6)**

Background Information:

In addition to the actions set forth in this staff report, it has been suggested that the

Planning Commission also consider a motion to recommend that the City Council establish a small ad hoc committee consisting of representatives from the Historic Preservation Commission, the Planning Commission, the City Council, and the County to explore alternative adaptive re-uses for the barn and ways and means of which it may be preserved.

END OF PACKET MATERIAL.

Motion

Annie Hedberg moved that the Planning Commission reconsider a previous motion approved on March 24, 2005, to grant conditional use and site plan approval to expand the County Jail located at 800 West State Street. **John Montgomery** seconded the motion, which passed by unanimous vote.

Mr. Petersen stated there were two conditions with which the County had concerns. First, the County would not be able to fund any activities attendant to the barn because of bonding limitations. There were also concerns with liability. The Mayor had suggested creation of an ad hoc committee to consider the disposition of the barn. The County may be willing to donate the barn and its property to the City. The second concern was that the County felt they had no influence with the Davis County School District and should not be held responsible to have the School District change their busing policy to transport west Farmington school children so they would not have to walk past the jail.

The Planning Commission discussed the issues, including the following points:

- The Planning Commission discussed options possible for the County in donating the barn to the City for different uses.
- It may not be prudent to ignore the input of citizens and the Historic Preservation Commission regarding the barn.
- The barn could be stabilized for a minimal amount.
- It was likely unrealistic to expect the County to have influence with the Davis School District regarding the busing issue.

John Montgomery moved that the Planning Commission modify their previous conditional use approval as follows:

1. Eliminate conditions 7c and number 8.

2. Modify condition #9 to state: “The County shall provide for the long-term regular care, maintenance and upkeep of the land between the County Jail (and proposed expansion)/Justice Complex and Farmington Creek.”

Another condition shall be added as follows: In cooperation with Farmington City officials, create an ad hoc committee for the purpose of considering the disposition of the barn. Subject to the recommendations of that committee, explore options such as deeding the barn and adequate access to Farmington City.

Keith Klundt seconded the motion, which passed by unanimous vote.

Findings

1. The motion complies with the original intent of the previous action taken by the Planning Commission (indicated in findings # 4 through 8.)
2. The action is sensitive to the protection of historic structures in the City.
3. The action follows the recommendation of the Mayor to create an ad hoc committee to consider the disposition of the barn.
4. The project is a necessity for the good of the greater community.
5. The building is as esthetic as it can possibly be considering the security requirements in place.
6. The applicant had been cooperative with the wishes of the City officials.
7. A hot line would be an improvement in communication over what had been the case.
8. Further negotiations need to take place with the School District regarding the busing of school children living on the west side who are affected by the presence of the jail and released inmates.
9. The applicant must receive an exemption in writing from the City Council in order to obtain the temporary permit to establish a sales office in the trailer.

LARRY ALSUP AND CINDY MORROW REQUEST FOR A RECONSIDERATION OF CERTAIN CONDITIONS OF APPROVAL REGARDING THE PLANNING

COMMISSION'S DECISION TO MODIFY CONDITIONAL USE PERMIT C-8-04 TO CONSTRUCT AN ATTACHED GARAGE LOCATED AT 139 EAST 400 NORTH IN AN OTR ZONE (Agenda Item #7)

Motion

John Montgomery moved that the Planning Commission reconsider certain conditions of approval regarding the Planning commission's decision to modify conditional use permit C-8-04 to construct an attached garage located at 139 East 400 North in an OTR zone. The motion died due to lack of a second.

PUBLIC HEARING: RICHMOND AMERICAN HOMES REQUEST FOR CONDITIONAL USE AND SITE PLAN APPROVAL TO ESTABLISH A TEMPORARY SALES OFFICE IN A TRAILER LOCATED ON LOT 1 OF THE FARMINGTON RANCHES EAST SUBDIVISION AT 1523 WEST LONGHORN DR. IN AN AE ZONE (TU-3-05) (Agenda Item #8)

Mr. Petersen explained the application. He showed the proposed location of the temporary trailer. The City Council had requested the Planning Commission consider requiring more landscaping. Mr. Petersen suggested that the Commission may wish to add a condition that required an exemption by the City Council.

Public Hearing

Chairman Ritz opened the meeting to a public hearing.

Thomas Ervin (Richmond Homes representative) stated his company would be more than willing to meet any requirements set forth by the City.

Paul Hayward (1663 W 1410 No) stated that Richmond Homes was an established home builder. Mr. Hayward was, however, concerned with the temporary nature of the trailer and asked that a model home be constructed and used for sales purposes.

Public Hearing Closed

With no further comments, **Chairman Ritz** closed the public hearing.

Motion

John Montgomery moved that the Planning Commission approve the temporary use as requested subject to all applicable Farmington City development standards and ordinances and

the following:

1. The applicant and the City must enter into a “Letter of Understanding” to contain all the conditions set forth herein and on the memo to the Planning Commission dated April 8, 2005.
2. Permanent signs are prohibited. The size and location of the sign shall be in compliance with applicable provisions of the Zoning Ordinance in which the use shall be conducted. All signs shall be removed when the activity ends.
3. No loud speakers or amplifying sound devices shall be used in conjunction with the temporary use.
4. Outdoor light, if used, shall be subdued. All lighting shall be designed, located and directed so as to eliminate glare and minimize reflection of light into neighboring properties. Searchlights shall not be permitted.
5. The conduct of the temporary use shall be limited to the hours between 8:00 a.m. and 8:00 p.m.
6. The temporary office in the trailer may exist up until the Certificate of Occupancy permit is issued for the model home or 12 months, or the sooner of the two.
7. No port-a-John type rest room facilities are allowed on site. However, a rest room facility for public use may be allowed inside the trailer.
8. The applicant must provide more landscaping on site as reviewed and approved by the Planning Department staff.

Annie Hedberg seconded the motion, which passed by unanimous vote.

Findings

1. The motion was consistent with what had been done in the past.
2. The temporary use will go away when the first home in the development is constructed.
3. The Planning Commission was in compliance with the requests made by the City Council.

PUBLIC HEARING: LANDFORM L.L.C. REQUEST FOR A RECOMMENDATION TO ANNEX 5.262 ACRES OF PROPERTY LOCATED AT APPROXIMATELY 1450 NORTH 1800 WEST (a-1-05) (Agenda Item #9)

Mr. Petersen reviewed the agenda item. He stated there had been problems with getting the annexation certified. The application was problematic because of the changes made regarding a 15 foot wide parcel adjoining the annexation property. It was unclear what the disposition of the applicant was regarding the small parcel--whether or not the applicant wanted it to be a part of the annexation petition.

Public Hearing

Chairman Ritz opened the meeting to a public hearing.

Paul Hayward (1663 W 1410 No) complained that the City's website was not complete regarding the agenda items. He wanted more accuracy and more information available for the public. He also stated that he would be available when Planning Commissioner's wanted information about fire codes.

Public Hearing Closed

With no further comments, **Chairman Ritz** closed the public hearing.

Motion

Annie Hedberg moved that the Planning Commission table consideration of Agenda Item #9, Landform's request for a recommendation to annex 5.262 acres of property located at approximately 1450 North 1800 West. **Kevin Poff** seconded the motion, which passed by unanimous vote.

MASTER TRANSPORTATION PLAN REVIEW/HORROCKS ENGINEERS (Agenda Item #10)

Ron Mortimer and Jason Cluff (representatives of Horrocks Engineers) presented information regarding the amendments being proposed for the Master Transportation Plan. The Horrocks Engineers detailed the five different areas of concern and discussed the following issues: 1) Shepard Lane and Main Street connection, 2) U.S. 89 and Frontage Road connection, 3) Main Street intersection improvements, 4) Fair Ground property impacts, 5) UTA owned railroad alignment crossing, 6) collector road connections, and, 7) preferred alternatives for BRT

mixed with traffic along with BRT station locations.

Mr. Petersen reminded the Planning Commission of the special meeting to be held on April 28th regarding the Master Transportation plan. He discussed the broad mailing prepared by the City for the hearing.

PUBLIC HEARING: FARMINGTON CITY REQUEST FOR A RECOMMENDATION TO THE CITY COUNCIL TO AMEND CHAPTER 7 OF THE SUBDIVISION ORDINANCE REGARDING TRAILS AND THE REVIEW THEREOF (STR-1-05) (Agenda Item #11)

Mr. Petersen reminded the Commission that they had reviewed the agenda item in their previous meeting. The City Attorney recommended the checklist be adopted by resolution.

Public Hearing

Chairman Ritz opened the meeting to a public hearing.

Paul Chase (1163 Alice Lane, representing the Farmington Trail Committee) stated the Trail Committee had worked with City Staff to formulate the amendments to the ordinance and to draft the proposed checklist. He stated it would be a benefit to the City to have a good, organized way to confirm the process by which trails are created.

Public Hearing Closed

With no further comments, **Chairman Ritz** closed the public hearing.

Motion

Kevin Poff moved that the Planning Commission recommend to the City Council that they approve the proposed amendment to Chapter 7 of the Subdivision Ordinance regarding trails and the review thereof subject to final review by the City Attorney. **Keith Klundt** seconded the motion, which passed by unanimous vote.

Findings

1. The motion was appropriate to protect the City's trail system.
2. The amendment addressed a need made obvious through problems in the past when problems had arisen because the system was not in place.

RAINEY HOMES WAIVER REQUEST (Agenda Item #12)

Chris Balling (applicant) had been asked to address the Planning Commission. He explained that Miller Meadows was a subdivision created from property owned by Randy Rigby. Rainey Homes would build the majority of homes in the subdivision. The developer had received a waiver in the past for rear yard set backs. Conservation subdivisions require large front set backs if the garage encroaches into the front yard and if the lot places the building pad further to the rear. Therefore, Mr. Balling was approaching the Planning Commission again in order to obtain a waiver for rear yard set backs. Regarding another waiver request, the overall development must have 16 plus acres of conservation land. It was previously approved that this conservation land may consist of 4 conservancy lots with no such conservancy lot less than 4 acres in size. However, the developer was requesting a waiver to reduce the size of 1 of the conservancy lots to less than 4 acres in size, but the overall conservation land requirement shall not be changed.

The Planning Commission discussed the issues, including the following points:

- Commission members were concerned about setting an inappropriate precedence for developers who wished to have set back a waiver of standards just to fit a house onto a property.
- Mr. Balling explained he had been working with the City Staff to build a detention basin off site. They were asked for consideration regarding the lot sizes because the developer had advanced impact fees and other money to pay for the drainage system.
- The developer was asked for two considerations: 1) to reduce the first conservancy lot size to just under 4 acres, and 2) to reduce the rear set back of the lots to allow for the size of the home design.
- Mr. Rigby explained that the City Engineer had suggested creating the detention basin off site and had also suggested the City give the concession to the developer because the detention basin was beneficial to the City.
- Mr. Talbot stated he would rather see the size of the conservancy lot reduced rather than change the set backs.
- Mr. Petersen suggested that Staff meet with the developer to go through the site plans and look at each lot to see which ones really need the waiver for set back requirements.

Motion

John Montgomery moved that the Planning Commission recommend to the City Council that they grant a waiver for Lot 220 of Phase II allowing the lot to be less than the required 4 acres. **Kevin Poff** seconded the motion, which passed by unanimous vote.

Findings

1. The overall acreage for the 4 conservancy lots exceeded the required 16 plus acres.
2. The request for a waiver regarding the rear set backs was not compelling. The Planning Commission suggested that the developer meet with the City Planner and see which specific lots needed the waiver and specify exact reasons for each lot.
3. The Planning Commission was concerned regarding setting a negative precedence regarding set back compliance.
4. It well may be possible the builder can supply a home plan which would fit the building pad within ordinance requirements and still be appropriate to the site.

CITY COUNCIL REPORT AND MISCELLANEOUS

Motion

Jim Talbot moved that the Planning Commission continue work past the 10:00 P.M. hour. **Annie Hedberg** seconded the motion, which passed by 5 to 1 vote. Mr. Klundt voted in opposition.

Kevin Stanger request for a lot line variance

Mr. Petersen explained the request by Mr. Stanger for a lot line variance for the purpose of building a fence. The Planning Commission briefly discussed the site plan and the intent of Mr. Stanger.

Motion

Annie Hedberg moved that the Planning Commission approve the boundary line adjustment as requested for the purpose of constructing a fence. **Kevin Poff** seconded the motion, which passed by unanimous vote.

ADJOURNMENT

Annie Hedberg moved that the Planning Commission adjourn at 10:10.

Cory Ritz, Chairman
Farmington City Planning Commission